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ABSTRACT

A study examined the effectiveness of the Children's Television Act of 1990 in altering the marketplace for informational and educational children's programming on commercial broadcast television. Producers and distributors of nationally available series that commercial broadcasters were using in 1993 to meet the requirements of the Act were interviewed. Executives at all networks were also interviewed. The programs' budget, promotion, scheduling and success in the marketplace were considered. Results indicated that the law motivated broadcasters to use programming, but that broadcasters rarely made an effort to give the programs appropriate time slots or promotion. Many programs were low-budget; two that involved serious research received government funding for that research. Findings suggest that the legislation did result in marketplace changes, but that more explicit regulations and more government investment would be needed for quality educational and informational programming to be produced, scheduled appropriately, and promoted adequately to reach target audiences. (Contains 36 references and 2 notes.) (RS)

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The Broadcast Programming Marketplace after the Children's Television Act of 1990

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ABSTRACT

This study examines the effectiveness of the Children's Television Act of 1990 in altering the marketplace for informational and educational children's programming on commercial broadcast television. After an overview of the history of controversy over children's programming and of the children's television marketplace today, the study focuses on nationally-available series that commercial broadcasters were using in 1993 to meet the requirements of the Act. Producers and distributors of the programs were interviewed, as were executives at all networks. The programs' budget, promotion, scheduling and success in the marketplace were considered. As well interviewees discussed the challenge of making educational television entertaining, and of dealing with frustratingly vague regulations. The study finds that the law motivated broadcasters to use programming but that broadcasters rarely made an effort to give the programs appropriate time slots or promotion. Many programs were low-budget; two that involved serious research received government funding for that research. The study concludes that the legislation did result in marketplace changes, but that more explicit regulations and perhaps even government investment would be needed for quality educational and informational programming to be produced, scheduled appropriately and promoted adequately to reach target audiences.

* * *

Informational and educational children's programming on commercial broadcast television--its quality and, more commonly in recent years, its paucity--has been a concern for decades, of legislators, researchers and consumers (Liebert and Sprafkin, 1988; Aufderheide, 1989; Berry & Asamen, 1993). The Children's Television Act of 1990 (P.L. 101-437, Oct. 18, 1990) attempted to redress several perceived problems with programming for children. One of its clauses requires television stations to air educational and informational programming for children, as a condition of their license renewal.

In studying the effectiveness of the legislation, this study focuses on nationally-available series (not specials, not interstitials) that commercial broadcasters were using in 1993 to meet the requirements of the Act, both in broadcast syndication and on the four major networks, as self-described by producers and listed in special issues of Broadcasting (July 26, 1993) and Electronic Media (June 21, 1993). Producers and distributors of the programs were

interviewed, as were executives at all networks. Forty-eight people provided information, mostly in telephone interviews.[1]

The children's television marketplace

Broadcast stations, the direct providers of programs to children, depend on advertisers to make the programming lucrative. Children to age 12 are a rapidly growing market--directly controlling between $7 and $8 billion of their own spending (Guber & Berry, 1993, p. 18; Davis, 1994), and influencing some $150 billion of purchases annually. Advertisers want them for what they spend, the spending they influence, and their future buying power. The importance of the second two categories partly explains why this rather small demographic category--about 16 percent of the population is between 2-12 (U.S. Bureau of the Census, 1993, p. 16)--is so attractive to advertisers. As well, the direct spending power of children, almost all of it discretionary, rose rapidly in the 1980s. It increased by nearly half between 1984 and 1989 (McNeal, 1992, p. 24). The single largest source for the information on which they have based purchasing decisions has been television (McNeal, 70). Perhaps as much as $800 million is now spent annually on TV ads targeting kids alone (not families or parents). Most of the spending is in broadcast television rather than cable. (Davis, 1994; Elliott, D5; Guber & Berry, p. 131; McClellan, 1993; McNeal, p. 133)

The advertising volume grew rapidly in the 1980s, not only because of children's increased spending power and with changing sales strategies (e.g. the 15 second commercial). It also grew because children's television changed dramatically with deregulation by the mid-1980s. When the Federal Communications Commission dropped its ban on program length commercials for children in 1984, toy-related programs such as Strawberry Shortcake, Transformers and My Little Pony boomed (Kunkel, 1988). Licensed sales alone more than doubled, to $64.6 billion, between 1983-1989 (Cohen, 1991, 38). Moreover, a television connection is critical to toy manufacturers; four-fifths of toy sales are of licensed products, and television is the medium that makes or breaks a licensed product (Schneider, 1989, p. 115). When toy manufacturers were permitted to develop television programs based on their toys in 1984, industry profits as a whole soared from $5.3 billion to $8.3 billion in one year, then maintaining that level (Kirk-Karos, 1992, 19). Children's television, once the loss leader for television networks eager to show families the usefulness of this new gadget (Watson, 1990, 154), is now a lucrative day part.

In the freewheeling 1980s, production of children's television boomed, fueled by the financial resources of companies producing or distributing licensed products and creating a business in selling new programming directly to stations, or first-run syndication (Schneider, 189). So-called barter arrangements came to prevail. The syndicator would give the show to the station for free, and also offer to split the ad time. By 1987, toy manufacturers financed 80 percent of children's programming (Kirk-Karos, 1992). Licensing continues to drive children's programming, as the high-stakes licensing around Mighty Morphin Power Rangers demonstrates (Fitzgerald, 1994, 3). As several interviewees, some asking for anonymity, explained, toy manufacturers and other licensed product vendors continue to be powerful agenda-setters in production. In major markets, television stations may accept a program based on a manufacturer's promise to spend a million or more advertising dollars (not necessarily for toys associated with the program) with that station. The market for licensed toys and other products is so large that stations can sometimes even demand cash payments from a show's distributor for carriage in an appropriate time slot.

"You need to have a program that's paid for, first, but then you also need further support, to get stations to clear it," explained Squire Rushnell, who said (personal communication, March 10, 1994) that his distribution company, Worldvision, decided to leave the field because of the complexity of dealmaking. "Sonic the Hedgehog doesn't make it because it's a good program. It makes it because Sega is willing to put in extra dollars for advertising and promotion. So if you're going, say, to a station in Chicago, the company has to be ready to put more advertising dollars into that market because otherwise, the station might go with a Hasbro-related program."

Allen Bohbot, a major distributor of action-oriented animation for children, sees the deal-sweetening at the station level as a result of rising competition. "It has become so competitive that people are doing everything to get their programs in a good time slot," he said (personal communication, March 14, 1994). "If that means pledging advertising, if it means doing incentives, cash payments, whatever it takes, that's what you do. It's a practice that's been ongoing for four or five years. It's not a good practice, but it's reality."

This means that program suppliers of children's programming must deal with or compete with toy companies willing to spend millions of dollars annually for placement on key stations alone. "Children's programming is deal-driven rather than program-driven,"

Andy Spitzer, sales vice-president of Zodiac (which makes the animated programs Widget, Twinkle the Dream Being), summarized (personal communication, March 14, 1994).

Educational and informational programming, usually without toy company backing (although always hoping for a licensed product success to boost profits), must operate in this unequal environment. When they decide to air educational and informational shows, networks tend to invest in and cultivate, rather than buy prepackaged, programs to offer their affiliates, while syndicators appeal to independents and sometimes even to network affiliates on a station-by-station basis, with programming that sometimes has already had a run in the U.S. or elsewhere, and that sometimes is in production. In several recent cases, individual stations have originated programming, which is then offered in return for small payments to station group members, and syndicated elsewhere.

Post-Children's Television Act History

When the Children's Television Act (CTA) was passed, the Bush-era Federal Communications Commission (FCC) implemented the Act in a way that minimized its effectiveness and encouraged broadcasters to consider it lightly. (U.S. FCC 1991; U.S. FCC 1991b; Kunkel, 1993, 279-286). Public interest organizations, including veteran children's television advocacy organization Action for Children's Television, which had midwifed the law, remained interested in enforcement. In fall 1992, with legal assistance from the Institute for Public Representation, the Center for Media Education issued a damning report analyzing the license renewal applications of 58 stations in 15 markets.

In late January, immediately following the inauguration of President Clinton, public officials both from the legislative and the executive side sent strong warnings of more diligent enforcement to broadcasters at trade conventions (Wharton, 1993; Coe, 1993). At the same time, the FCC temporarily held up license renewals for seven stations, pending more accurate information from the stations on how they had fulfilled their obligations (Halonen, 1993).

The FCC then issued a Notice of Inquiry, asking whether it should revise policies "to more clearly identify the levels and types of programming necessary in the long term to adequately serve the educational and informational needs of children" (par. 1).

The Marketplace in 1993

In early 1993, station program managers, put on point by regulators, lawmakers and citizen groups, suddenly hurried to find programming that would comply with what looked to be a sterner FCC standard. A new industry term was born: "FCC-friendly." It referred to shows that its promoters believed would satisfy the FCC at license renewal time.

The networks each had one or two programs that they thought could plausibly qualify. ABC aired Cro, which Children's Television Workshop had been developing with CBS and had been discussing, in some form, for years. It also aired the Henson production Citykids, which had been in development independently in conjunction with the Citykids Foundation. NBC offered Name Your Adventure, another show that its producers had brought in various forms before several networks for years without finding a taker. Columbia had Beakman's World brought up to CBS network distribution from syndication, where it had sturdily survived the ratings wars on its own and thus shown remarkable prospects. CBS also ran CBS Storybreak, which had been on and off the air for a decade but at the time was off. Fox had Bobby's World, an amiable cartoon whose claim to FCC-friendliness rested on its values messages and was therefore seen as a stopgap, and went to work on Where on Earth Is Carmen Sandiego? with DIC production house. DIC had the show in development for four years, but only found a backer after the Act. Suddenly the programming that National Association of Broadcasters and the National Association of Independent Television Stations spokesmen had said was unavailable in the first year of the Act was discovered.

By mid-summer, syndicators had dusted off many older shows and showcased newer work for what they hoped were eager buyers. In Electronic Media's June 21, 1993 issue, some 77 "FCC-friendly" syndicated programs were listed, demonstrating what was available. Of these shows, at the time at least 20 shows were in active syndication, with a national reach.[2]

Producers, distributors and network executives all frankly acknowledge that renewed official concern for the CTA in early 1993 triggered a sudden change in the marketplace. At ABC Standards and Practices, director Mary Conly (personal communication, January 6, 1994) said, "We were trying to bring Schoolhouse Rock back for four years. The law probably did make it easier." At DIC Educational Unit, where he is developing Where on Earth is Carmen Sandiego? for Fox, Robby London (personal communication, Jan. 14, 1994) said, "For the first two years of the Act, buying habits and patterns were not really affected. Then when the FCC suddenly decided to crack down, there was suddenly a response from

local stations." Carmen, London noted, had been in development four years before the Act, but "the show did not get on the air until after the Act started to get enforced."

Other producers working with the networks also believed that the Act triggered decisions. Marjorie Kalins at Children's Television Workshop, which developed Cro, noted that CTW had long been looking for a way to get into network television and into animation, and that the Act's passage probably helped make ABC interested in Cro. Bill Schultz, vice-president at Film Roman production house (Cro), believed ABC's renewal of Cro was motivated by renewed official attention to the Act, as was CBS's pickup of Beakman's World and Fox's decision to put into development Carmen Sandiego (personal communication, Jan. 11, 1994).

Several other producers said that the Act made it possible either to start or syndicate programming they had long hoped to do. Two news programs, produced by broadcast stations and too expensive to recoup costs locally, were launched as syndicated shows: Fox's Not Just News produced out of Washington, D.C.'s WTTG and Denver NBC owned-and-operated station KCNC's News for Kids, (personal communication, Mark Portner, producer, Not Just News, Jan. 11, 1994; Mary Brenneman, producer, News for Kids, Jan. 7, 1994). In both cases the syndication possibility--a direct result of renewed official attention to the CTA--made longstanding ideas reality. Greg Pope at Turner (personal communication, Jan. 11, 1994), working on The New Adventures of Captain Planet, said that the Act "definitely made it a better [broadcast syndication] marketplace" for the series. Energy Express' creator Marilyn Preston recalled the "sea change" in broadcasters' attitudes toward informational programming after speeches at the annual sales convention NATPE (National Association of Television Producers and Executives) that signalled renewed enforcement (personal communication, Jan. 6, 1994). The syndication of quality cable and public television programs such as Nick News and 3-2-1-Contact were triggered by renewed official attention in early 1993, according to thir syndicators (Richard Loomis, personal communication, Jan. 18, 1994; Richard Mann, personal communication, Jan. 11, 1994).

Joe Benty, producer of ill-fated teen live action show Mental Soup (personal communication, Jan. 10, 1994) believed that the Act helped the show get into the 65 percent of U.S. markets that it cleared before disappearing in July 1993. He was hoping for an early decision on the FCC Notice of Inquiry, and when no action was taken over the summer, "I

think that really slowed things down. People felt they had a little while longer, and didn't really have to comply."

The public debate in early 1993 over the Act also encouraged producers and programmers to insert more educational and informational elements in all children's programming. For instance, Avery Coburn, director of children's programming in the broadcast standards and practices division at Fox (personal communication, Jan. 6, 1994) noted that elaborate historical and geographical research has gone into the animated series Where on Earth Is Carmen Sandiego?. "The network development people and I have insisted on even more educational content than they are first thought they would put in," she commented, explaining that Fox wants its affiliates to be able to claim the show as educational without a doubt. "Even on new shows that are very much pure entertainment, like Mighty Morphin Power Rangers, we've been much more aware, like putting PSAs on every show about how to cope with your anger, respecting individual differences." Producer Ron Myrick at Hanna Barbera (The Addams Family, The New Adventures of Captain Planet) said, "The Act...has made me more aware and sensitive to the influence our programs have on children. I am working to put messages that are more positive in the programs, emphasizing fewer violent actions, introducing more minority characters into the programs (personal communication, Jan. 11, 1994)." Kerri Friedland, coproducer of NBC's Name Your Adventure, in which teens explore adult work from ballet to marine biology, said (personal communication, Jan. 10, 1994), "I think the Act did help to make our show even better than it could have been; it has a lot more meat to it."

The opportunities generated immediately after enforcement, however, appear not to have enduringly reshaped the marketplace. By the late January 1994 NATPE, at least six of the syndicated shows among the 20 viable ones on Electronic Media's July listing had been withdrawn from the market, and among the network shows Citykids was scheduled for cancellation. NATPE business in the remaining shows was wan (Major NATPE clearances, 1994; Charles Sherman, National Association of Broadcasters, personal communication, February 3, 1994), although new shows surfaced (Freeman, 1994b, p. 28). Only two of the so-called "FCC-friendly" shows (3-2-1 Contact, a syndication of a Children's Television Workshop series that had aired on public television, and the NBC-station-group News for Kids) were featured in Electronic Media's reporting of the convention.

Assessment of 1993 marketplace

Why did NATPE 1994 register so little activity for children's television? In one sense, the answer was simple. The performance of many of the weekly syndicated programs, and some of the network shows, was poor. In November sweeps ratings, Captain Planet was the only series to rate over a 2 (Freeman, 1994, p. 74). Shows like Garfield and Friends (CBS) or the season's hit Mighty Morphin Power Rangers (FBC), animated and adventure shows, have ratings twice or even three times the most popular FCC-friendly shows. "The animated facts are that cartoons get higher ratings, and that's what we're up against," said Katie Frankle of Real News for Kids.

But the experience of producers and programmers also suggest that the deck is stacked against producers who try to meet that challenge in good faith.

The Scramble Story

The story of Scramble contains so many elements exemplifying the weaknesses of the children's marketplace that it merits a close examination. Syndicator Howard France described the show's rise and fall (personal communication, Jan. 6,1994):

> In December 1992, a producer brought Scramble to us. He was in it for the money, because it was a unique merchandising opportunity, because of Randall Cunningham, a famous football player.
>
> He said, "Without TV, I'm nothing." I said, "It'll be a difficult show to clear [to get enough markets to make a national-reach claim to advertisers]. Maybe we can clear it by touting it as FCC-friendly.
>
> This was all the rage among distributors, because the station wants to put on Morphin and cartoons that make them money. Educational TV doesn't make any money historically. Is a show FCC friendly? How do you know? The FCC so far says we won't define it but we'll know it when we see it.
>
> The strategy worked out fairly well because we were one of the first ones there when it hit the fan at NATPE last year, and the spring and winter of '93.
>
> The show has been cancelled but it was 72 percent [clearance] at its peak. It was cancelled in December. Why?--because nobody watched it.
>
> I think a big contributing factor was the time of the show. Stations reserved their best time periods for the shows most important to them, cartoons. They had this government incentive, these threats, to put this kind of programming on, but they don't give this programming the best time period. Also the show had weaknesses.
>
> The profit margin in barter is tiny. If you've got a Mighty Morphin with a 6 or a 7 rating, you can make a decent amount of money, but in kids' TV you can't expect that kind of breakout. You have to hope you do a two rating. There's not much money to be made there. There has to be another angle, dolls or lunchbuckets or something, which is only valuable if the show is valuable in the first place.
>
> The FCC is telling you you have to put boring TV on. The primary focus has to be educational not entertaining. You know kids, they don't want to go to school all

> week. If they don't want to watch it, who's gonna make 'em? The government can't pass a law to make people watch shows.

In the Scramble story are prevalent elements that threaten the spirit of the CTA. The producer looks to children's television to hustle a "merchandising opportunity," or product license. The syndicator looks to the FCC-friendly label as a selling point. The broadcaster sees the chance to fulfill a bureaucratic obligation by programming the show in early morning hours. In short order, bad faith has sunk the entire project, and reinforced a negative reputation for educational and informational programming for children.

In this survey, producers, distributors and executives expressed deep frustration with this pattern. They collectively described a situation where the hopes of many people striving for creativity and quality were first raised by passage of the Act and then quelled by prevailing market conditions. Each had particular complaints, but combined they offer a picture of the problems plaguing the field.

Scheduling

Two of the most common complaints were about scheduling: being able to enter the schedule, and then finding a slot at a time when the target audience is likely to watch it.

Broadcasters are perenially reluctant to make time for informational and educational children's programming. Any Monday-Friday sheduling was a rarity. Not a single FCC-friendly show appeared in the November top-ten sweeps ratings for any weekday position (Freeman, 1993, p. 74). Even the most ambitious "FCC-friendly" production, at the networks, was being expanded in late 1993 to a two-hour block on Saturday mornings.

Yet Saturday morning viewing--the place on the schedule where most FCC-friendly shows were placed--represents only a small percentage of children's viewing time. A study by National Association of Broadcasters researcher Richard Ducey found in 1989 that children only spent 11-12 percent of their time watching Saturday or Sunday mornings. In fact, daytime between 10am and 4:30 pm draws the greatest proportion of preschoolers, and prime-time draws the largest percentage of children 6-11 (Ducey, 1989, p. 95).

Every single producer and distributor with an extant show interviewed, without exception, noted that "FCC-friendly" shows--theirs included--got poor time slots. Twenty-two programs were explicitly mentioned as having problems, specially with very early slots. Stations typically put material they perceived as educational and informational into the

Saturday schedule before 8 am when many children--especially the tweens and teens to whom much new programming is addressed--are still sleeping; or at noon, when sports programming regularly pre-empts scheduled programming.

Scheduling is a life and death matter, because national advertiser dollars depend on ratings, which are powerfully affected by time slots. The teen show Scratch, which had received an award from the National Association of Broadcasters, was a typical casualty of scheduling that reflected low priorities for educational and informational programming. It managed to clear 85 percent of the country, but went out of syndication in January 1994 because stations put the program on either very early or, less commonly, in the noontime pre-emption zone. The show couldn't make its teen rating guarantees.

"The stations all love the show, but they don't want to make the commitments," said Scratch syndicator Bob Muller (personal communication, Jan. 5, 1994). Producer Kent Takano, a survivor of two seasons and profoundly discouraged, said (personal communication, Jan. 4, 1994), "We can't make it work because the stations don't comply with their whole heart. I work out of a station, so I understand the dollars and cents, but as a producer, sometimes you want to say, if you're going to treat the show like this why take it at all?"

Other programmers find cavalier station treatment of the programming both discouraging and financially devastating. Peppermint Place's Jerry Haynes (personal communication, Jan.4, 1994) noted that although 108 markets eventually took the live-action show for young children, stations usually placed it in early morning hours. "It was a gimme," he said. "They put it on in order to say, 'This is our children's show.' Then when we said, 'We lost $250,000 the first year, please pay the cost of dubbing and shipping the tape,' many of the stations couldn't even afford that." Peppermint Place now reaches 10 markets, mostly through the station group where it is produced. Even on rock-bottom budgeting, What's Up Network, a Kansas City-produced 'tween reality show, is not financially viable, because poor time slots discourage national advertisers. They are uninterested both because clearances have not reached 80 percent and also because the show is placed at very early hours (Kristi Boyer, communications coordinator, What's Up Network, Jan. 5 1994).

Dick Cignarelli pulled Timberwood Tales, an environmentally-themed animation series, from the market rather than switch to barter from a cash arrangement. "I wasn't prepared to offer it for barter," he said (personal communication, Jan. 6, 1994), "because they

stick it on in the 5am time slot to meet the FCC requirements, and then they don't deliver the ratings. They get something for nothing and we get screwed."

Stations certainly have little incentive to invest in syndicated programming they only take to fulfill a regulatory obligation and receive for free. But even network or station group-originated programming, which stations either produced or shared costs in, suffered the same scheduling problems, though not so drastically. Some CBS stations reschedule Beakman's World, but most carry it at 11am or 12 noon, where the potential audience is good but pre-emption problems are constant. Still, scheduling problems had been much worse when Beakman was in syndication, particular for very early hours. (personal communication, Linda Kazynski, CBS, Jan. 14, 1994). The NBC station group-originated News for Kids finds the program scattered across schedules even of its sister stations (personal communicafion, Mary Brenneman, Jan. 7, 1994).

Financial resources

Like scheduling, the budgets available for "FCC-friendly" fare indicate broadcasters' priorities. This kind of program typically is low-budget, especially by comparison with $200,000 to $400,000-a-half-hour entertainment animation. In 1993, shows such as Mental Soup, What's Up Network and Scratch were being produced on $25,000-$50,000 budgets; Not Just News, produced at a broadcast station, had a $10,000-$15,000-per-episode budget, and Real News for Kids, which could piggyback on to other Turner newsgathering organizations, cost $14,000 an episode.

In two cases, American taxpayers paid for research and development of entertaining, educational programs. In 1991, the National Science Foundation awarded $1.226 million to the makers of what became Cro for two years of research, which CTW requested to "mak[e] up the difference in CBS's investment in development and production of the series" (Children's Television Workshop, 1991, 2). The NSF also awarded Bill Nye the Science Guy $1.379 million in 1993, to support production of the science program developed through public television and now part of a Disney program package (KCTS Television, 1993). In these two cases, ABC and Buena Vista have handily benefitted from programs whose quality resulted, in part, from taxpayer subsidy.

Promotion and Outreach

Programs marketed as "FCC-friendly" in 1993 typically invested little in promotion, and in ancillary teaching materials. Asked about promotion, Peppermint Place's Jerry Haynes said, "You're kidding." Name Your Adventure producer Friedland was frustrated with both the level of network support and the indifference of journalists who became crucial to success in the absence of adequate publicity and promotion budgets: "I think the network could have promoted it more, and the media could have paid more attention. Children's TV is almost a poor stepchild."

The lack of promotional resources is clear in the case of Beakman's World, which recently resorted to packaging a sample video tape with two General Mills processed cereal boxes. Columbia vice president Bob Cook told Inside Media that the deal--in which Columbia gave the rights to associate with Beakman outright to General Mills--wãs a welcome way to increase the show's visibility in the absence of promotional funds (Friedman, 1994, 8). The head of children's programming, Judy Price, then denied that promotional resources were a problem, construing the marketing ploy merely as a new opportunity (personal communication, March 30, 1994).

Definitional problems

This survey also demonstrated that "educational and informational" meant very different things to different producers. Many people on the commercial side of the industry seem to assume an inherent conflict between entertainment and education. In interviews, industry veterans often associated education with school, which they assumed was what children escaped from when they turn on a TV. Therefore, they often seemed to feel that they were being asked not to produce better television but impossible television.

ABC vice president Jenny Trias (personal communication, Jan. 21, 1994) recounted a story also told, in slightly different versions, by several other sources and hinted at in Howard France's remarks. Indeed, the story appears to have gained folklore status within the industry. During a focus group with children, she said, a young boy told her, "I go to school Monday through Friday. Saturday morning is my time."

This story bespeaks an understanding of children's entitlement not merely to leisure but relief from engagement with the world, a kind of visual Valium. "The most important thing should be entertainment, and if we can add educational elements, it's icing on top of the cake," Trias said, further illustrating the perceived distinction between the two goals. At

production house Ruby-Spears, Joe Ruby--who has designed several educational programs and has "put a lot of educational bites" into the popular C.O.W.boys of Moo Mesa--drew a clear distinction (personal communication, Jan. 24, 1994): "We're basically in the business of doing entertainment. We're not schoolteachers."

Allen Bohbot, a distributor who carries no educational and informational programming for children, believes that educational and entertaining are flatly incompatible. "Entertaining to me is what is successful with kids, what they like. And I can't find an example of an entertaining, educational show that's been successful, except for the preschool market." His company searched, he said, for an educational/informational program to include in a successful two-hour (four program) Sunday morning block, but could not find one that would succeed. "To put it in to make someone feel good isn't what it's about. You've got to deliver for the long run, so we went for action-oriented."

He believes that programmers are captives of an ever-more-uncivil marketplace:

> People on my side of the desk say, kids go to school from 9 to 3, they don't want to be educated when they come home. We keep pushing further and further, with MTV or action--what I call action, what some people call violence--and those are the shows kids watch. It scares the daylights out of me, not just what gets to the air but what succeeds. I think TV is mirroring what they see in their daily lives, and I think we kid ourselves if we ignore that.

Others are more eager to assume the challenge of making educational progrmming entertaining, and some of those people see part of their task as releasing the experience of learning from its negative associations with school. They are nonetheless aware of the entertainment environment they work in, and the limitations it poses. Some see this environment as part of a larger problem, one of television's transforming of children into a sales demographic first and last. Longtime public television producer Donna Mitroff (Wonderworks) is making a TV special, helped along with finishing money from the endowment for children's television established by the Act. She said (personal communication, Jan. 4, 1994):

> We have over-entertained children for so long that we have conditioned them to accept painless, mindless entertainment. Those of us who believe that you can entertain and educate have to accept the time it's going to take to move the suppliers, the audience, and the funders and advertisers.

Several producers argued that their work is educational without having the same expectations as classroom learning. At CTW, Marjorie Kalins (personal communication, Jan.

10, 1994) described the educational objective of Cro: "We aren't trying to teach [specific content], we're trying to stimulate them, to be curious about science." The show intends to attract children who would not choose to watch science, especially girls, and has demonstrated its appeal to this target audience. Beakman's director Jay Dubin commented to TV Guide (Science and nature, 1993, p. 27), "Educationally speaking, you could say this show is a failure. There's no way you can actually teach a science lesson with the fast and frentic pace we use." Dubin wants to leave enough of an impression so that when a child hears a term in class, "he or she can say, 'Hey! I know about that!'"

But others argue that the FCC is driving them to a traditional definition of education--and to the perils of boring kids. Conservative legal concern to meet the conditions of the Act, in the wake of controversy and official concern, has put a new emphasis on classroom-type learning and curriculum content. For instance, Fox no longer claims that Bobby's World would meet FCC standards, since it features moral issues and socialization rather than classroom curriculum content (personal communication, Ann Knapp, Fox, Jan. 13, 1994). It can point to geography lessons imbedded in Where on Earth Is Carmen San Diego? to satisfy skeptics.

A clear curricular objective, of course, further limits the viewing audience, demonstrating once again the tension between marketplace realities and the educational and informational needs of children. Bill Nye the Science Guy's educational target is fourth graders (9-11 years old), although Disney aims to make it appealing (but probably not educational) to a broader audience (John Van Camp, Buena Vista, personal communication, Jan. 6, 1994). Where on Earth Is Carmen Sandiego?, debuting on Fox in February, aims to entertain 6-11 year olds, but focuses tightly on 8-10 year olds for its geography lessons (personal communication, Robby London, Jan. 14, 1994).

There is widespread desire for greater clarity in the rules, on all sides. Network executives in particular want to know standards for declaring a show educational; more tightly defined sponsorship rules; and a ballpark estimate of total hours of programming. ABC's Jenny Trias argued, with manifest irritation, "The biggest obstacle is how much is enough. Should your license be revoked if you only have one show? If you have 10 shows that no kids are watching, do you qualify?" Producers find constant dealing with network lawyers who are searching for legal certitude exasperating. Kerri Friedland, producer of NBC's Name Your Adventure, said, "The networks are trying their best to follow the letter of the law. Can

it only be prosocial and that's enough, or do you need the math and geometry and history? It's really difficult."

Even after years of debate and recent controversy, some producers argue that simply portraying what are called "prosocial" (not violent or psychotic) behaviors should satisfy regulators. At the other end of the spectrum from CTW, at Saban Entertainment, Elie Dekel (personal communication, Jan. 7, 1994) said, "Mighty Morphin Power Rangers is an action intensive show. But there are these five teenagers who are superheroes. They are great role models and they're doing great things. We're delivering programs that have positive messages; regulation needs to be addressed more realistically ." But if realism means acknowledging Mighty Morphin Power Rangers as an educational and informational show, then the 1990 Children's Television Act is null.

Conclusion

It is hardly surprising that programs self-described as "FCC-friendly," after a bold start at the beginning of 1993, made such a weak finish. Such programming typically received little financial support in production, and then entered the market under a brutal financial and scheduling handicap, competing with high-action, often toy-company-financed animation for children's attention.

This report points both to problems and solutions in the children's television marketplace. Major problems include:

* The marketplace today is not a level playing field for educational and informational entrants. It is skewed toward programs with licensed product possibilities, which can attract deep-pocket, usually toy-company investors.

* Broadcasters demonstrate their priorities in the dismissive treatment they give to educational and informational programming in scheduling. Such programs are routinely slotted into very early Saturday and Sunday morning or into midday zones plagued with pre-emption. There is no discernable enthusiasm for placing educational and informational shows on a daily schedule.

* Considerable taxpayer resources have been devoted to researching and upgrading the quality of educational and informational programs in the commercial marketplace, where they face the same scheduling problems as other "FCC-friendly" programs.

* Many commercial broadcasters and some producers assume that the job of attracting children to a program is antithetical to providing them with programming of substance and importance. Entertainment and education appear opposed.

In short, the spirit of the Children's Television Act is only sporadically in evidence in the marketplace today, something which many of the sources interviewed experienced as a source of great frustration.

At the same time, it is clear that when regulatory commitment to the spirit of that legislation was demonstrated, the marketplace responded. Producers with a good faith commitment to educational and informational children's television repeatedly emphasized the importance of regulation to their aspirations. For instance, Robby London at DIC Educational Unit hopes that further enforcement might make possible preschool programming that DIC has long wanted to do, but which broadcasters have always regarded as unprofitable because the age group has so little spending power. Marilyn Preston, producer of Energy Express, sees regulatory clarification as a crucial signal to the market.

The points for clarification have been a part of the debate over implementation since the Act was passed. In 1991, ACT and others suggested that:

* educational and informational programming be defined as age-specific, nonfiction programs.

* define the relevant daypart as 7am to 9pm.

* ban program-length commercials as they had been defined (when a sponsor's advertising is interwoven with the program), eliminating product tie-ins ad product promotions, as the FCC had done successfully in the 1970s. (Action for Children's Television, 1991.)

In 1993, when the Notice of Inquiry was opened, CME and others recommended:

* educational and informational programming be defined more precisely, giving illustrative subject categories such as history, science, current events and languages.

* Programs should be standard-length, regularly-scheduled, and aired between 7am-10pm.

* Broadcasters should be required to air an hour a day of educational and informational programming for children. (CME, 1993.)

Broadcasters variously attacked these suggestions, but they touch on areas that industry practitioners were virtually unanimous, in this survey, in pinpointing as problem areas. The

two critical areas to address, in light of their remarks, are the controlling interest of product licensing in children's programming (addressable through limitations on program-length commercials), and the specific scheduling obligations of broadcasters.

In looking over the recent history of children's television, it is sobering to consider the parallels with another moment when the lack of quality children's programming became a public issue. FCC Commissioner Newton Minow's May 1961 "vast wasteland" speech included a pointed paragraph on the "massive doses of cartoons, violence and more violence." He followed it with another, devoted solely to children's programs, in September. The networks responded with a season's worth of educational and informational programs--each had a demonstration project--and eager producers importuned Minow for his approval. The National Association of Broadcasters issued a book trumpeting the achievements of local television in this area. But cancellations soon followed, and the spurt of interest did not develop into a permanent commitment, in the absence of continued regulatory or permanent legislative action. (Watson, 1990, 153-168)

Decades later, Minow said, "I think if I had it to do over again, I would have zeroed in on one thing. I would have concentrated on children's television. That is where you could have gotten the most public support." (Watson, 1990, 168)

Children's television today is, if anything, in bleaker conditions than in Minow's days as FCC head. And yet there are greater possibilities than ever before, with a greater number of outlets and seasoned talent. This survey showed that there is much more desire and talent to create entertaining, educational programming than there are opportunities at present. There is also a general desire for clearer regulations that could create a level playing field. Finally, it showed that regulation did have a marketplace effect, however limited because of loose guidelines.

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NOTES

1. A substantial minority of the interviewees spoke on condition of anonymity. There was a strong general feeling that relations with networks, where those relations existed, and in general with stations were delicate and could be jeopardized by public comment. Where I received permission to quote I have cited the speaker, organization and date of interview in the text.

2. Adventures in Wonderland (Buena Vista [BV]); Captain Planet and the Planeteers (Turner Program Services [TPS]); Disney Presents Bill Nye the Science Guy (BV); Energy Express (Tribune); Hallo Spencer; Mad Scientist Toon Club; New Adventures of Captain Planet (TPS); Nick News (Viacom); Not Just News (Twentieth Television); Peppermint Place (Cable Ready); Pick Your Brain (Summit Media); Real News for Kids (TPS); Romper Room (Claster); Scramble (Pandora); Scratch (Muller); Twinkle the Dream Being; What's Up Network (What's Up Productions); Widget (Zodiac); Xuxa (MTM) ; Zoo Life with Jack Hanna (Litton).